

Remarks

Claims 1 – 14 are pending in this application. Claims 1, 7 and 13 are independent.

In the present amendment, claims 1, 7 and 13 have been amended. Support for the claim amendments can be found in Applicants' specification, for example, page 2, lines 6 – 7. No new matter has been added.

Rejection of claims 1, 5-8 and 13-14 under 35 USC 103(a) as being unpatentable over Aaltonen et al. (US 7,236,771, hereinafter, "Aaltonen") in view of Sibley (US 2001/0053700, hereinafter, "Sibley")

Applicants submit that for at least the following reasons, claims 1, 5-8 and 13-14 are patentable over Aaltonen and Sibley, either singly or in combination.

For example, the amended claim 1, recites, in part:

"broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a wireless data channel over which data is transmitted to and from an access point, wherein the video channel provides both downlink and uplink capability;" (Emphasis added)

Thus, the claimed invention requires that the video channel used for broadcasting the video can provide both downlink and uplink capability.

Aaltonen, FIG. 1, teaches that video signals are broadcasted by transmitters 11a, 11b and 11c. However, these transmitters are broadcast transmitters, and nothing in Aaltonen teaches or suggests that the video broadcast channel has any uplink capability for use by the terminal 3.

Instead, Aaltonen specifically teaches that a return channel 23 is required for terminal 3 to send content requests (Aaltonen, col. 3, line 60 – col. 4, line 5), clearly indicating that the video broadcast channel for transmitters 11a, 11b and 11c does not have any uplink access capability. Therefore, Aaltonen fails to teach or suggest the above claimed feature of Applicants' claim 1.

Furthermore, Applicants' invention is directed towards a method and apparatus for video broadcast in a wireless or video Local Area Network (LAN). In contrast, Aaltonen specifically teaches that transmitters 11a, 11b and 11c are part of a terrestrial digital video broadcast (DVB-T) network 1 (see Aaltonen, col. 3, lines 38-44; and FIG. 1). Since LAN and DVB-T are totally different types of network (e.g., LAN is used for communications in a limited area with different communication standards compared to a DVB-T network typically used for transmission over a

wide area or range), Aaltonen clearly does not teach either a video or wireless LAN, as provided in Applicants' claimed invention.

The Office Action acknowledged that Aaltonen does not teach the feature of "encoding the video into at least one prescribed format," and thus, Sibley's FIG. 1 and para. 0036 were cited as teaching this feature missing from Aaltonen. Applicants disagree with this interpretation of Sibley.

However, even assuming, just for argument sake, the Office's position on Sibley, it is clear that Sibley does not teach or suggest at least the feature of "*broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a wireless data channel over which data is transmitted to and from an access point, wherein the video channel provides both downlink and uplink capability;*" that is lacking in Aaltonen.

Thus, the combination of Aaltonen and Sibley still would not teach or suggest the above claimed features as recited in claim 1. Therefore, claim 1 is patentable over the combined teaching of Aaltonen and Sibley.

The Final Office action, at the bottom of page 5, stated that one of ordinary skill in the art would be motivated to "encode the video to convert into different format in order to broadcast the video using RF frequency," and it would have been obvious at the time of the invention to encode video information into digital form, as taught by Sibley in order to eliminate noise, since electrical signal loses strength over distance in which noise introduces in to the signal.

However, no detailed explanation is provided as to how such a conclusion was reached based on Sibley's specific teaching. There is no suggestion in the cited references or from knowledge of one skilled in the art, of some advantage of modifying Aaltonen as taught by Sibley. The only ground being provided is the Office's conclusory statements.

KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), makes clear that rejections on obviousness cannot be sustained by mere conclusory statements. Instead, KSR requires "some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness." (KSR Opinion at p.14). Furthermore, the Examiner must make "explicit" this rationale of "the apparent reason to combine the known elements in the fashion claimed," including a detailed explanation of "the effects of demands known to the design community or present in the marketplace" and "the background knowledge possessed by a person having

ordinary skill in the art.” (KSR Opinion at p. 14). Anything less than such an explicit analysis may not be sufficient to support a prima facie case of obviousness.

Therefore, Applicants respectfully submit that a prima facie case of obviousness has not been shown, and thus, request the withdrawal of the rejection of claim 1 under 35 U.S.C. 103(a).

Independent claim 7, recites, in part:

“a video broadcast network for broadcasting the video from the encoder on a video channel having a frequency different from a wireless data channel over which data is broadcast from an access point, wherein the video channel provides both downlink and uplink capability,” (emphasis added)

Independent claim 13, recites, in part:

“initiating selection of a video Local Area Network (LAN) upon user actuation of the device, wherein the video LAN provides both downlink and uplink capability,” (emphasis added)

Since both claims 7 and 13 contain similar distinguishing features as in claim 1, for the same reasons set forth above, claims 7 and 13 are also patentable over Aaltonen and Sibley.

With respect to independent claim 13, there is also no showing in the Office Action that Aaltonen or Sibley teaches the claimed features of "initiating selection of a video local area network upon user activation of the device," and/or "detecting transmission of the video broadcast from the video LAN without trying to uplink traffic to the video LAN." Thus, for this additional reason, claim 13 is not obvious over Aaltonen and Sibley.

Claims 5, 6, 8 and 14 respectively depend from and inherit all the respective features of claims 1, 7 and 13. Thus, claims 5, 6, 8 and 14 are patentable for at least the same reasons set forth above in connection with claims 1, 7 and 13.

Rejection of claims 2-4 and 9-12 under 35 U.S.C. §103(a) as being unpatentable over Aaltonen in view of Sibley and in further view of Benveniste (US patent application 2003/0174690, hereinafter, "Benveniste").

Claims 2-4 and 9-12 depend from claims 1 and 7 respectively. Since there is no showing that Benveniste teaches the features missing in Aaltonen and Sibley as discussed above in

connection with claims 1 and 7, these dependent claims are also patentable for at least the reasons cited above with respect to their corresponding independent claims.

Withdrawal of the rejection of claims 1-14 under 35 USC 103(a) is respectfully requested.

Conclusion

In view of the foregoing remarks, Applicants solicit entry of this response and allowance of the claims. If, however, the Examiner believes such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6834, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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Date

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